

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JAMES THOMAS BEAN, Register No. 530524,)
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Plaintiff,)
)
)
v.) No. 06-4291-CV-C-SOW
)
)
DAVE DORMIRE, et al.,)
)
)
Defendants.)

ORDER

On April 11, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on April 30, 2008. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of April 11, 2008, is adopted. [170] It is further

ORDERED that defendants' motions for summary judgment are granted and plaintiff's claims are dismissed. [148, 149, 158] It is further

ORDERED that defendants' motion to dismiss and plaintiff's motion for summary judgment are denied as moot. [101, 142]

_____/s/ Scott O. Wright_____

SCOTT O. WRIGHT
Senior United States District Judge

Dated: 5/29/2008
Kansas City, Missouri